

PATENT

Atty. Dkt. No. 2000-0611 CIP

REMARKS

In the Office Action, the Examiner noted that claims 1-22, 25-41, and 44-97 are pending in the application. Claims 1, 3, 16-22, 25-41, 44-65, and 72-80 are rejected and claims 2, 4-15, 66-71 and 81-97 are objected to by the Examiner. In view of the following discussion, the Applicant has cancelled claims 1, 3, 16-22, 25-41, 44-65, and 72-80 and has amended claims 2, 4-15, 66-71 and 81-97. In addition, the Applicant submits that none of the remaining claims in the application are unpatentable under the judicially created doctrine of obviousness-type double patenting. Thus, the Applicant believes that claims 2, 4-15, 66-71 and 81-97 these claims are now in condition for allowance.

I. REJECTION OF CLAIMS FOR STATUTORY DOUBLE PATENTING

Claims 1, 3, 26, 28, 35, 39, 41, 44, 45, 50, 64, 65, 37, 47, and 49 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention of claims 9, 11, 39, 41, 48, 52, 54, 57, 58, 64, 84, 85, 50, 60, and 62, respectively of copending Application No. 09/985,257. In response, the Applicant have cancelled claims 1, 3, 26, 28, 35, 39, 41, 44, 45, 50, 64, 65, 37, 47, and 49. Consequently, the Examiner's rejection to these claims are now moot.

II. REJECTION OF CLAIMS FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

Claims 16-22, 25, 27, 29, 30-34, 36, 38, 40, 46, 48, 51-63, 72-80 and 83 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9, 33, 36, 38, 40, 42, 44, 46, 47, 49, 53, 59, 61, 67-83, 86, 88-95 of co-pending Application No. 09/985,257, respectively.

In response, the Applicant agrees to file a terminal disclaimer under 37 C.F.R. 1.130(b). The Applicant submits that filing the requisite terminal disclaimer at this time fully responds to the Examiner rejection of claims 16-22, 25, 27, 29, 30-34, 36, 38, 40, 46, 48, 51-63, 72-80 and 83 under the doctrine of obviousness-type double patenting.

PATENT

Atty. Dkt. No. 2000-0811 CIP

III. ALLOWED SUBJECT MATTER

The Examiner has objected to claims 2, 4-15, 66-71, and 81-97 as being dependent upon a rejected base claim. However, the Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Responsive to the Examiner, Applicant has amended claims 2, 4-15, 66-71, and 81-97 in accordance to the recommendation made by the Examiner. Consequently, the Applicant respectfully submits that claims 2, 4-15, 66-71, and 81-97 are now patentable.

IV. CANCELLED CLAIMS

In light of the allowed subject matter, the Applicant has opted to cancel claims 1, 3, 16-22, 25-41, 44-65, and 72-80 without prejudice. Claims 23-24 and 42-43 were cancelled in a previous Office Action response. However, Applicant reserves the rights to file one or more continuation applications to continue prosecution of these cancelled claims.

V. CONCLUSION

The Applicant believes that claims 2, 4-15, 66-71, and 81-97 are now in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/28/05



Kin-Wah Tong, Attorney
Reg. No. 39,400
(732) 530-9404

Patterson & Sheridan, LLP
595 Shrewsbury Avenue
Shrewsbury, New Jersey 07702